

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: ASBESTOS PRODUCTS LIABILITY  
LITIGATION (NO. VI)

Civil Action No. MDL 875

This Document Relates to:

Ronnie Wayne Upchurch and  
Deidra F. Upchurch, wife,

District of South Carolina,

Civil Action No. 7 : 08 - 899

Plaintiffs,

vs.

**COMPLAINT**

Aqua-Chem, Inc.  
(*d/b/a Cleaver-Brooks Division*);  
Borg-Warner Morse TEC, Inc.;  
CertainTeed Corporation;  
A.W. Chesterton Company;  
Fluor Daniel, Inc.;  
Fluor Daniel Services Corporation;  
General Refractories Company;  
Georgia Pacific Corporation;  
National Service Industries, Inc.;  
Rapid-American Corporation  
(*successor by merger to Glen Alden Corporation,  
Briggs Manufacturing Company, Philip Carey  
Corporation and Philip Carey Manufacturing  
Company*);  
Union Carbide Corporation;  
Viacom, Inc.  
(*successor by merger to CBS Corporation f/k/a  
Westinghouse Electric Corporation*),

Defendants,

Plaintiffs hereby adopt and incorporate Plaintiffs' Master Long Form Complaint in Re: Asbestos Litigation in the United States District Court for the Eastern District of Pennsylvania, filed as Miscellaneous No. 86-0457. Pursuant to the August 20, 1986, Order of Honorable Charles R. Weiner, the following short-form Complaint is utilized in this asbestos action:

1. Ronnie Wayne Upchurch, The Injured Plaintiff ("plaintiff-worker") and Deidra F. Upchurch ("plaintiff-worker's spouse"). Plaintiff's Address, Social Security Number, and Date of Birth information is available upon request.

2. The Court has jurisdiction of this matter pursuant to the Multidistrict Litigation Order dated July 29, 1991, Civil Action No. MDL 875. Moreover, the Plaintiffs are citizens of the State of South Carolina and no defendant is a citizen or has a principal place of business in the State of South Carolina. Further, the amount in controversy, exclusive of interest and costs, exceeds \$100,000.00.

3. The Defendants are those companies listed in the caption.

4. Plaintiffs hereby incorporate by reference the following counts from the Master Long-Form Complaint: Counts I, II, III, IV and V.

5. Plaintiff-worker's asbestos employment history, including, to the extent possible at this time, the asbestos products to which deceased plaintiff-worker was exposed is attached hereto as Schedule I.

6. Plaintiff-worker was diagnosed with asbestosis by David A. Schwartz, M.D. on April 15, 2005.

7. Plaintiffs certify that they have not been a party to any related third-party asbestos litigation.

8. Plaintiffs hereby demand a trial by jury on all issues of fact.

Respectfully submitted,

WALLACE AND GRAHAM, P.A.

By: s/Mona Lisa Wallace  
S.C. Bar No.: 07216  
Attorney for Plaintiff  
WALLACE & GRAHAM, P.A.  
525 North Main Street  
Salisbury, North Carolina 28144  
Tel. No. (704) 633-5244  
Fax: (704) 633-9434  
E-Mail: mwallace@wallacegraham.com

Date: 3/17/08

SCHEDULE I  
Plaintiff-Worker Employment History  
Asbestos Exposure Worksite Information

OCCUPATION:

Electrician; Nuclear Maintenance  
Lineman  
Various odd jobs  
Loom Fixer  
Various odd jobs  
Loom Machine Maintenance  
Grounds Maintenance

EMPLOYER/WORKSITE:

APPROXIMATE DATES:

Duke Energy – all sites	1978 – Present
Queen City Electric – Myrtle Beach, SC	1975
Y.C. Ballenger Co – Spartanburg, SC	1974 – 1977
Richards & Associates – various sites	1972
Drove Trash Truck, etc. – Blacksburg, SC	1969 – 1971
Burlington Mills – Blacksburg, SC	1970
Wendell Plastics – Blacksburg, SC	1968
Basic Electric Co – Ragland, SC	1967

RELATED ASBESTOS LITIGATION:

Workers Compensation Claim – Duke Energy – Pending

SMOKING HISTORY:

Non-smoker

PRODUCTS CONTAINING ASBESTOS:

Raw Asbestos Fiber, Pipe Covering, Block, Cements, Gaskets, Refractory Materials, Boilers, Joint Compounds, Wall Board, and other asbestos containing materials.

DEPENDENTS:

Deidra F. Upchurch, wife

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FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**DEFENDANTS LIST**

Aqua-Chem, Inc., d/b/a Cleaver-Brooks Division  
7800 North 113th Street  
Milwaukee, WI 53224-3136

Borg-Warner Morse TEC, Inc.  
3850 Hamlin Road  
Auburn Hills, MI 48326

CertainTeed Corporation  
CT Corporation System  
225 Hillsborough Street  
Raleigh, NC 27603

A.W. Chesterton Company  
PO Box 4004  
Woburn, WA 01888-4004

Fluor Daniel, Inc.  
Corporation Service Company  
327 Hillsborough Street  
Raleigh, NC 27603

Fluor Daniel Services Corporation  
Corporation Service Company  
327 Hillsborough Street  
Raleigh, NC 27603

General Refractories Company  
225 City Avenue, Suite 114  
Bala Cynwyd, PA 19004

Georgia Pacific Corporation  
CT Corporation System  
75 Beattie Place  
Greenville, SC 29601

National Service Industries, Inc.  
Corporation Service Company  
327 Hillsborough Street  
Raleigh, NC 27603

Rapid-American Corporation  
Corporation Service Company  
2711 Centerville Road, Ste. 400  
Wilmington, DE 19808-1645

Union Carbide Corporation.  
CT Corporation System  
225 Hillsborough Street  
Raleigh, NC 27603

Viacom, Inc.  
Corporation Service Company  
2711 Centerville Road, Ste. 400  
Wilmington, DE 19808-1645